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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,032	01/13/2000	David Stanley Bull	043474/258310	6471
826	7590	07/27/2004	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			KALINOWSKI, ALEXANDER G	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/482,032

Applicant(s)

BULL ET AL.

Examiner

Alexander Kalinowski

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 33-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 33-56 are presented for examination. Claims 33-56 are presented for examination. Of originally filed claims 1-32, Applicant filed a preliminary amendment on 1/13/2000, canceling 1 and adding claims 33-40. Applicant filed a second preliminary amendment on 1/13/2000 canceling claims 2-32. Applicant further filed a third preliminary amendment on 3/2/2000 adding claims 41-44. Applicant further filed an amendment and terminal disclaimer on 11/16/2001, amending claims 33,35,37, 39 and 41-44. Applicant further filed a CPA and a preliminary amendment on 6/7/2003, amending claims 33, 35, 37,39, 41-44 and adding new claims 45-56. Applicant also filed an amendment on 9/23/2003, amending claims 33, 35, 37, 39, 41-45, 47, 49, 51 and 53-56. Applicant further filed a request for reconsideration on 5/3/2004. In light of Applicant's arguments, the Examiner withdraws the grounds of rejection of claims 33-56 based on 35 USC 103. New grounds of rejection of claims 33-56 are established in the instant office action as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 33-56 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 33-56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically the specification fails to disclose or enable one of ordinary skill in the art at the time of Applicant's invention how the network address of the datastore is modified to incorporate the network address of the intermediary gateway device and providing access to the network accessible datastore through the intermediary gateway device using the modified address of the network accessible datastore wherein the intermediary gateway device controls access to the network accessible datastore. The specification provides two passages where this functionality is described. However, the specification fails to disclose how this functionality is implemented by the claimed invention. The Examiner will consider this limitation as enabled by the specification when considering the claims for purposes of applying prior art.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 33-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Randle, Pat. No. 5,787,403 in view of Damico et al., Pat. No. 5,819,285 (hereinafter Damico) and "Internet Holes: 50 Ways to Attack your Web Systems"(hereinafter Internet Holes).

As to claims 33, 35, 37, 39, 41-45, 47, 49, 51, and 53-56, Randle discloses a method for managing information using an intermediary gateway device having a corresponding network address (i.e. unit 40)(see Fig. 1 and abstract) and, the method comprising the steps of:

receiving a request to communicate with a network accessible datastore having a particular network address (col. 3, lines 36-45);

and

providing access to the network addressable datastore through the intermediary gateway device wherein the intermediary gateway device controls access to the network addressable datastore (i.e. products and services of other providers P1, P2, ..., PN that are accessible through the gateway)(col. 3, lines 27-67).

Randle does not explicitly disclose modifying the particular network address of the datastore and using the modified network address to access the network addressable datastore

However, Randle discloses using a gateway device to control access to datastores (i.e. products and services of other providers P1, P2, ..., PN that are accessible through the gateway)(col. 3, lines 27-67). Damico discloses modifying the particular network address of the datastore and using the modified network address to

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access the network addressable datastore (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include discloses modifying the particular network address of the datastore and using the modified network address to access the network addressable datastore as disclosed by Damico within Randle. The motivation to combine was tracking user paths on the Web to determine the identity of the entity that directed the user to the current web site for transactional purposes (col. 1, lines 8-15 and col. 2, lines 15-28).

Randle and Damico do not explicitly disclose incorporating the address of the intermediary gateway device within the modified address of the network accessible datastore

However, Internet Holes discloses incorporating the address of the intermediary gateway device within the modified address of the network accessible datastore (i.e. server can start to act like a gateway for further requests by rewriting URLs ... can rewrite each URL in the documents you request to continue routing all service through the gateway)(page 10). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include incorporating the address of the intermediary gateway device within the modified address of the network accessible datastore as disclosed by Damico within Randle. The motivation to combine was to route all requests through the gateway (page 10).

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As to claims 34, 36, 38, 40, 46, 48, 50, and 52, Randle and Damico do not explicitly disclose, wherein the modifying step further includes the substep of: modifying the particular network address of the datastore to include the address of the intermediary gateway device.

However, Randle discloses using a gateway device to control access to datastores (i.e. products and services of other providers P1, P2, ..., PN that are accessible through the gateway)(col. 3, lines 27-67). Damico discloses modifying the particular network address of the datastore and using the modified network address to access the network addressable datastore (i.e. a destination URL is formed with redirecting means by substituting the destination URL portion in place of the second portion in the URL WHEREIN the destination URL represents a relative address of the second location on the WWW)(col. 3, lines 22-31 and col. 5, lines 38-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include discloses modifying the particular network address of the datastore and using the modified network address to access the network addressable datastore as disclosed by Damico within Randle. The motivation to combine was tracking user paths on the Web to determine the identity of the entity that directed the user to the current web site for transactional purposes (col. 1, lines 8-15 and col. 2, lines 15-28).

Randle and Damico do not explicitly disclose including the address of the intermediary gateway device within the modified address of the network accessible datastore

However, Internet Holes discloses including the address of the intermediary gateway device within the modified address of the network accessible datastore (i.e. server can start to act like a gateway for further requests by rewriting URLs ... can rewrite each URL in the documents you request to continue routing all service through the gateway)(page 10). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include including the address of the intermediary gateway device within the modified address of the network accessible datastore as disclosed by Damico within Randle. The motivation to combine was to route all requests through the gateway (page 10).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure
  - a. Pat. No. 5,961,645 discloses filtering when requesting access to network resources through the Internet.
  - b. Pat No. 5,870,550 discloses virtual Web servers.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.



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If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 872-9306 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.

A handwritten signature in black ink, appearing to read "Alexander Kalinowski", with a stylized, cursive script.

Alexander Kalinowski

Primary Examiner

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7/25/04